

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAWN PENNING)	
PLAINTIFF,)	CIVIL ACTION NO.:
)	4:09-cv-1785
)	
VS.)	JURY TRIAL DEMANDED
)	
UNITED RECOVERY)	UNLAWFUL DEBT
SYSTEMS, LP)	COLLECTION PRACTICES
DEFENDANT)	

COMPLAINT FOR DAMAGES

INTRODUCTION

1. This is an action for damages against the Defendant for violations of the Federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq.

SUBJECT MATTER JURISDICTION

2. Subject matter jurisdiction in this Court is proper pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337 (federal question jurisdiction).

PARTIES AND PERSONAL JURISDICTION

3. Plaintiff is a resident of this state who is authorized by law to bring this action.

4. Defendant UNITED RECOVERY SYSTEMS, LP is a limited partnership organized pursuant to the laws of the state of Texas doing business in the state of Missouri (hereinafter, said Defendant is referred to as "URS") with its principal place of business located at 5800 North Course Drive, Houston, TX 77072 .

5. URS is subject to the jurisdiction and venue of this Court. Upon information and belief, Plaintiff states that URS has no registered agent in the state of Missouri.

6. URS may be served by personal or substitute service pursuant to the Federal Rules of Civil Procedure and, as applicable, the laws of the state of Missouri.

FACTS COMMON TO ALL CAUSES

7. URS uses telephone communications in its business.

8. The principle purpose of URS' business is the collection of debts.

9. URS regularly collects or attempts to collect debts owed or due, or asserted to be owed or due, another.

10. URS is a debt collector subject to the provisions of the Fair Debt Collection Practices Act.

11. In the course of attempting to collect a debt allegedly due from Plaintiff to another business not a party to this litigation, URS communicated with Plaintiff in a manner which violated the Federal Fair Debt Collection Practices Act.

12. URS left a series of voice messages for Plaintiff on her cell phone voice message system in the period of time spanning from March 9, 2009 through June 25, 2009.

13. In all of the voice messages, URS failed to give meaningful disclosure of its identity.

14. In each of the voice messages, URS failed to state that the communication was from a debt collector.

15. In each of the voice messages, URS failed to state that the communication was an attempt to collect a debt.

16. Defendant's communications violate the Fair Debt Collection Practices Act.

17. Plaintiff has complied with all conditions precedent to bring this action.

CAUSE OF ACTION

FAIR DEBT COLLECTION PRACTICES ACT

18. The acts of Defendant constitute violations of the Fair Debt Collection Practices Act.

19. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. The placement of telephone calls without meaningful disclosure of the caller's identity, in violation of 15 U.S.C. § 1692d(6);
- b. The use of any false, deceptive, or misleading representations or means in connection with the collection of any debt, in violation of 15 U.S.C. § 1692e;
- c. The use of any false representation or deceptive means to collect or attempt to collect any debt, in violation of 15 U.S.C. § 1692e(10);

- d. The failure to make the disclosures in all communications, in violation of 15 U .S.C. § 1692e(11) ; and
 - e. After a reasonable opportunity for further investigation and discovery, it may appear that Defendant failed to effectively communicate the statement of consumer's rights mandated by 15 U.S.C. § 1692g.
20. As a result of the Defendant's actions, the Plaintiff is entitled to an award of statutory damages, as well as an award of costs and attorney's fees.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Statutory damages pursuant to 15 U.S.C. § 1692k;
- B. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k;
- C. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

/s/ Dawn Penning

Dawn Penning

Respectfully submitted,

THE SWANEY LAW FIRM

/s/ Robert T. Healey

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